

EXHIBIT 7

Aug. 20, 2024 VFOIA Request from VACIR to the Office of the Governor, Office of the Attorney General, Virginia Department of Elections, and the Department of Motor Vehicles



VACIR
Virginia Coalition
for Immigrant Rights

August 20, 2024

Via Email

FOIA Officer
Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219
foia@governor.virginia.gov

FOIA Coordinator
Department of Elections
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219
foia@elections.virginia.gov

FOIA Officer
Office of the Attorney General
202 North 9th Street
Richmond, VA 23219
foia@oag.state.va.us

FOIA Officer
Department of Motor Vehicles
Data Management Services
Attn: FOIA
P.O. Box 27412
Richmond, VA 23269
foia@dmv.virginia.gov

Dear FOIA Officers,

We are writing your offices pursuant to the Virginia Freedom of Information Act (“VFOIA”), Va. Code § 2.2-3700 *et seq.*, and the Public Disclosure of Voter Registration Activities provision of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507(i), to request copies of all records relating to the removal from the voter registration rolls of Virginia registered voters on the basis that they have been identified as a “non-citizen.” According to Executive Order Number Thirty-Five (2024), issued August 7, 2024, and titled “Comprehensive Election Security Protecting Legal Voters and Accurate Counting” (hereinafter “EO-35”), attached for reference, 6,303 alleged non-citizens were removed from the voter rolls between January 2022 and July 2024.

Please respond individually to each of the numbered requests below noting whether (1) responsive records have been provided, (2) no responsive records exist, or (3) responsive records exist but are being withheld. If a record does not exist, or exists but is not in the possession of your office, please explicitly say so, and indicate which office, if any, is in possession of the record, including the proper custodian’s name and email address. Please provide partially redacted records wherever non-exempt information is commingled with exempt information, and provide detail to the fullest extent possible the subject and volume of any withheld information. If responsive records are withheld in full or redacted in part, please specify each statutory exemption you believe justifies the nondisclosure and provide a description of the contents withheld, including subject matter, number of pages, and the date(s) of the record(s).



Please include any responsive records in the possession of your office, regardless of who created them. This request covers all records from January 15, 2022, through the date of your response. Specifically, we request:

1. All records relating to the removal from the voter registration rolls of Virginia registered voters on the basis that they have been identified as a non-citizen, including, but not limited to, all notes, correspondence, emails, memoranda, reports, drafts, studies, proposals, requests, agendas, call logs, calendar entries, transcripts, minutes, budgetary and financial documents, and electronic and other data used for the identification and removal from the voter registration rolls of Virginia registered voters on the basis of non-citizenship, and other records of any kind. Specifically, and at a minimum, this should include:
 - a. All communications between your offices and between your offices and local registrars relating to the removal from the voter registration rolls of Virginia registered voters on the basis that they have been identified as a non-citizen.
 - b. All records relating to the “multi-agency data-sharing protocols and standards developed by the working group called for in Executive Order [31],” including all records evidencing all aspects of the process used to “ensure the accuracy, reliability, privacy, and timeliness of the data used for list maintenance,” as described in EO-35.
 - c. All “data collected by the DMV that identifies non-citizens,” as described in EO-35, and all other records evidencing any other data or information, including the sources of any and all data and other information, used by any of your offices to identify Virginia registered voters who are potential non-citizens.
 - d. All records evidencing all aspects of the process by which the Department of Motor Vehicles, “[w]hen issuing a credential such as a driver’s license... verifies applicants’ proof of identity and legal status with the Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) database and the Social Security Administration database,” as described in EO-35, including any memoranda of understanding or other agreements by any of your offices with any other state or federal agency related to the use of SAVE or any other program or database related to the identification of potential non-citizens.
 - e. All records evidencing all aspects of the processes by which the Department of Elections “uses [data from the DMV] to scrub existing voter rolls and remove non-citizens who may have purposefully or accidentally registered to vote,” “[r]emove[s] individuals who are unable to verify that they are citizens to the Department of Motor Vehicles from the statewide voter registration list,” and “compares the list of individuals who have been identified as non-citizens to the list of registered voters and then registrars notify any matches of their pending cancellation unless they affirm their citizenship within 14 days,” as described in EO-35, including the process by which the Department of Elections confirms that the individuals identified as potential non-citizens are in fact non-citizens and that these individuals do in fact correctly “match” the individual registered voters.



- f. All records relating to any individual erroneously identified as a potential non-citizen, including any individuals who established their citizenship following receiving a notice, the means by which their citizenship was established or otherwise confirmed, and any steps taken by your offices to ensure that this same type of error is not repeated.
- g. All records relating to public communications concerning the identification and removal from the voter registration rolls of Virginia registered voters on the basis that they are a potential non-citizen, including all records evidencing your office's awareness of the potential effects of such public communications in intimidating or otherwise dissuading eligible voters from registering to vote or voting.

2. All records relating to the development and establishment of Virginia's current policy and process for the removal from the voter registration rolls of Virginia registered voters on the basis that they have been identified as a non-citizen, including, but not limited to, all notes, correspondence, emails, memoranda, reports, drafts, studies, proposals, requests, agendas, call logs, calendar entries, transcripts, minutes, budgetary and financial documents, and electronic and other data, and other records of any kind.
3. All records relating to any investigation by any of your offices of alleged non-citizens for registering to vote or voting, including any actions taken by your offices to refer alleged non-citizens for investigation by Commonwealth's Attorneys or any other offices.
4. All mail and electronic communications between your office and any Virginia registered voters who have been identified as potential non-citizens, including both prior to removal and upon or after removal, and including any return communications from the voter. A representative sample of each form letter or electronic communication may be provided in lieu of individual communications where the form does not differ across communications and where there is no response from the voter.
5. All records evidencing the supervision, reporting structure, training, and guidelines provided to the staff assigned by your office to any aspect of the process for the identification and removal from the voter registration rolls of Virginia registered voters on the basis that they are a potential non-citizen, including, but not limited to, all guidelines, procedures, policies, practices, manuals, training program and materials, and other records governing the staff assigned to any aspect of the process, including all drafts and final versions of said records.
6. An electronic spreadsheet containing a list of all Virginia registered voters who have been removed from the voter registration rolls on the basis that they have been identified as a "non-citizen" since January 15, 2022, and all information contained in the voter file for each individual, including, but not limited to, the initial date of registration, the method of registration, the date(s) of any change(s) in their voter registration status, their voting history, the date of removal, the source and nature of any information used to determine their citizenship status, and the date(s) of any correspondence with the voter.

We prefer to receive copies of all records electronically, so long as the records are legible. Please send all responsive documents via email to monica@vacir.org, and please copy the individuals listed in the cc section of this request. Consistent with the VFOIA and NVRA, we are prepared to pay for the actual and reasonable costs of collection and copying the requested records, and



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ask that you provide an estimate of such costs, should they exceed \$200, in advance of supplying the requested records.

Consistent with the VFOIA, your office must respond to this request within five (5) working days beginning the day after receipt. If it is logically impossible for you to fully respond to this request within the five-day period, your office must state this in writing and explain the circumstances necessitating an extension of no more than seven (7) additional working days to fully respond.

Thank you for your attention and cooperation with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Monica Sarmiento".

Monica Sarmiento
Executive Director
Virginia Coalition for Immigrant Rights
monica@vacir.org

cc:

Ryan Snow (rsnow@lawyerscommittee.org)
Javon Davis (jdavis@lawyerscommittee.org)